

REMARKS

In the outstanding Final Official Action, the title was objected-to as being non-descriptive of the invention to which the claims are directed. Claims 1 and 3-5 were rejected under 35 U.S.C. §103(a) over FURUSAWA (U.S. Patent No. 6,371,908) in view of OZAWA (U.S. Patent No. 6,080,104), and in further view of HIGUCHI (U.S. Patent No. 6,734,894).

By the present Amendment, the title of the application has been replaced with the replacement title: A DIAGNOSIS SUPPORTING DEVICE WHICH CONTROLS THE RESPECIVE INTENSITIES OF EMITTED EXCITATION LIGHT AND EMITTED REFERENCE LIGHT. Reconsideration and withdrawal of the objection to the title is requested in view of the replacement title as presented herein.

With respect to the features of claim 1, the Final Official Action asserts at pages 3 and 4 that FURUSAWA discloses features related to a "second intensity coefficient" separable and distinctive from features related to a "first intensity coefficient". However, the Final Official Action acknowledges beginning at page 4 that FURUSAWA does not disclose that a "calculating section ("PC 14") calculates a first intensity coefficient" or that a "calculating section ("PC 14") calculates a second intensity coefficient" (emphasis added). The Final Official Action further acknowledges that FURUSAWA does not disclose that the "first and second operational expressions are determined such that the intensities of said excitation light and said reference light increase as the maximum brightness levels of said fluorescent image data and said reference image data decrease" (emphasis added).

FURUSAWA does not disclose any features of a "first operational expression" separate and distinct from a "second operational expression" as recited in claim 1. In this regard, the Final

Official Action cites, at page 3, a single teaching of FURUSAWA (i.e., at col. 5, line 55) as disclosing the distinct and separable features related to the "first intensity coefficient" and the "second intensity coefficient". The Final Official Action is incorrect, and FURUSAWA does not anywhere disclose or suggest features related to a "second intensity coefficient" separable and distinctive from features related to a "first intensity coefficient".

FURUSAWA discloses capturing a reference image and a fluorescent image, and OZAWA discloses controlling the intensity of light according to the maximum brightness level of an RGB image. Accordingly, if adequate motivation existed to modify the teachings of FURUSAWA with the teachings of OZAWA and HIGUCHI, a person of ordinary skill in the art could obtain a controller that controls the reference light intensity in the fluorescent endoscope system, as well as a controller that controls the excitation light intensity with the same coefficient as for the reference light. However, the combination proposed in the Final Official Action would not result in the combination of features recited in claim 1.

As a significant difference may exist in brightness between fluorescent image data and reference image data, the combination proposed in the Final Official Action would not result in excitation light intensity being controlled appropriately, as it would be controlled according to the same coefficient as for the reference light. Therefore, the combination proposed in the Final Official Action would not achieve the same results that can be achieved using the invention to which claim 1 is directed.

Therefore, even if it were proper to modify FURUSAWA in the manner applied in the Final Official Action, the resultant combination would still not achieve the combination of claim 1 that includes "a calculating section that calculates a first intensity coefficient based on the

maximum brightness level of the fluorescent image data according to a first operational expression and that calculates a second intensity coefficient corresponding to the maximum brightness level of the reference image data according to a second operational expression; and ...a light controller that controls the intensity of the excitation light according to the first intensity coefficient and that controls the intensity of the reference light according to the second intensity coefficient...wherein said first and second operational expressions are determined such that the intensities of said excitation light and said reference light increase as the maximum brightness levels of said fluorescent image data and said reference image data decrease" (emphasis added), or any other interdependent features recited in claim 1.

Further, as noted in the previous Response filed on September 1, 2006, there is no proper basis for any assertion that it would be obvious to modify FURUSAWA with the extensive modifications necessary to obtain the features recited in claim 1. Further, there is no proper basis for any assertion that it would be obvious to modify the combined teachings of FURUSAWA and OZAWA with the teachings of HIGUCHI to obtain the features recited in claim 1.

Accordingly, Applicant respectfully submits that claim 1 is allowable for at least each and all of the reasons set forth above. Applicant further submits that claims 3-5 are each allowable at least for depending, directly or indirectly, from an allowable independent claim as well as for additional reasons related to their own recitations.

SUMMARY AND CONCLUSION

The present application is believed to be in condition for allowance. Applicant has explained how the combinations of features recited in the claims are not disclosed, suggested or rendered obvious by the documents applied in the Final Official Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection, and an indication of the allowability of the claims now pending.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,
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January 22, 2007
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